

REMARKS

Enclosed herewith is a Substitute Specification in which the specification as filed has been amended in various places to correct typographical and grammatical errors, and also to add section headings.

In support of the above, enclosed herewith is a copy of the specification as filed marked up with the above changes.

The undersigned attorney asserts that no new matter has been incorporated into the Substitute Specification.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 3, 9 and 18 have been cancelled. In addition, the claims have been amended for clarity.

The Examiner has rejected claims 1, 4-7, 11, 14, 16 and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,523,291 to Giubbolini et al. The Examiner has further rejected claims 2, 3, 8-10, 12, 13, 15, 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over Giubbolini et al.

The Giubbolini et al. patent discloses a device for estimating the operating frequency of source of recurrent signals, in which the operating frequency of an enemy radar source is detected for the purpose of generating a jamming signal.

The Examiner has indicated that Giubbolini et al. discloses all of the steps of the method as claimed in claim 1 and the system as claimed in claim 16, and notes Figs. 1-2; and col. 2, line 11 to col. 4, line 61.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants submit that the Examiner is mistaken. In particular, claim 1 relates to "A method for determining a location of a device by identifying an ambient base frequency and waveform signal emitted by an environmental source in the vicinity of the device". Further, claim 1 includes the limitations "comparing the estimated waveform characteristics with stored waveform characteristics associated with various locations" and "choosing the location based on said comparison".

First, Applicants submit that Giubbolini et al. neither discloses nor suggests a method/system for determining a location of a device. Rather, Giubbolini et al. merely determines the frequency of an incoming radar signal with the possible purpose of generating a jamming signal. In particular, Applicants submit that there is no disclosure or suggestion of "comparing the estimated waveform characteristics with stored waveform characteristics associated with various locations" and "choosing the location based on said comparison".

The Examiner has indicated that "it would have been obvious to one of ordinary skilled in the art to store operating frequency and waveform signal of the detected radar station as unique waveform characteristic with affiliated information relating to a location of the radar station, in order to facilitated fast response of the system next time the frequency detecting device encounters a radar station operating at same operating frequency having characteristics with information indicating a location by comparing the waveform characteristics of incident source with a unique waveform characteristic with affiliated information in memory."

However, Applicants submit that this is mere speculation on the part of the Examiner based on the disclosure in the subject application. There is nothing in Giubbolini et al. that would lead one to try to associate the location of the device at which the radar wave are being detected to the radar waves being emitted at that time. Rather, once the radar wave characteristics are determined, it is known how to generate a jamming signal.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believes that this application, containing claims 1, 2, 4-8, 10-17 and 19, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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